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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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JUL - 9 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

| | | |
|----------------------------------|---|----------------------|
| In the Matter of |) | |
| |) | |
| Implementation of the |) | |
| Telecommunications Act of 1996: |) | CC Docket No. 96-115 |
| |) | |
| Telecommunications Carriers' Use |) | |
| of Customer Proprietary Network |) | |
| Information and Other Customer |) | |
| Information |) | |
| |) | |
| Implementation of the |) | |
| Non-Accounting Safeguards of |) | CC Docket No. 96-149 |
| Sections 271 and 272 of the |) | |
| Communications Act of 1934, as |) | |
| Amended |) | |

PETITION FOR WAIVER OF PAGE LIMITATION

MCI Telecommunications Corporation (MCI), pursuant to Section 1.48(b) of the Rules, 47 C.F.R. § 1.48(b), hereby requests permission to exceed the page limitation set forth in Section 1.429(g) of the Commission's Rules, 47 C.F.R. § 1.429(g), applicable to replies to oppositions to petitions for reconsideration, and hereby petitions for waiver, pursuant to Section 1.3 of the Commission's Rules, 47 C.F.R. § 1.3, of the timing requirements in Section 1.48(b) applicable to requests for permission to exceed page limitations. Good cause exists for both requests, and MCI's Reply in Support of its Petition for Reconsideration, filed yesterday in the above-captioned dockets, should be accepted for filing.

The Second Report and Order in these dockets (Order)¹ involves the intricate details of the protections accorded to customer proprietary network information (CPNI) by Section 222 of the Communications Act as well as the interplay of these two proceedings. Because MCI possesses only a fraction of the CPNI database available to either AT&T or any given Bell Operating Company (BOC) within each BOC's service territory, MCI has a vital interest in a strict interpretation of the CPNI protections in Section 222 and accordingly is significantly affected by every issue resolved in the Order, particularly issues related to the application of nondiscrimination requirements to CPNI. Accordingly, MCI's Petition for Reconsideration and Clarification addressed a variety of complex and important issues involving the implementation of Section 222 and the application of nondiscrimination rules to CPNI.

As expected, MCI's Petition drew oppositions from a number of incumbent local exchange carriers (ILECs), which focused more intensively on MCI's Petition than on any other single Petition for Reconsideration of the Order. As a result, it was necessary for MCI to address a wide variety of issues in detail in its Reply to the ILECs' oppositions. It was therefore impossible to meet the page limitation governing replies to oppositions to petitions for reconsideration, especially since MCI addressed all of the oppositions in a single pleading. A 51-page Reply was

¹ Second Report and Order and Further Notice of Proposed Rulemaking, FCC 98-27 (released Feb. 26, 1998).

necessary to rebut all of the ILECs' multiple arguments adequately.

Accordingly, MCI requests that its Reply in Support of its Petition for Reconsideration be accepted for filing, notwithstanding its length in excess of the applicable page limitation. By addressing all of the ILECs' arguments on the issues originally raised by MCI, its Reply should facilitate the Commission's reconsideration process. Moreover, its Reply is well within the combined page limit that would be applicable if MCI were to file a separate Reply to each opposition to its Petition.

Furthermore, it would not have been possible for MCI to file a request to exceed the page limitation only two business days after the receipt of the oppositions, as Section 1.48(b) requires, since MCI had only just started reviewing the oppositions at that point in time. In any event, because MCI has been in the forefront of those carriers pressing for a pro-competitive interpretation of Section 222 and for the application of nondiscrimination requirements to CPNI, MCI believes that acceptance of its Reply will be helpful to the Commission in its efforts to implement Section 222 in a way that advances the competitive and other goals of that provision, based on as complete a record as possible. Accordingly, the public interest would be served by a waiver of the requirements of Section 1.48(b) so that the Commission may consider, out of time, MCI's request to exceed the applicable page limitation.

WHEREFORE, MCI submits that good cause has been demonstrated for a waiver of Section 1.48(b) of the Commission's Rules so that the Commission can consider MCI's request for permission to exceed the page limitation in Section 1.429(g) of the Commission's Rules and that good cause has been shown for such permission. MCI accordingly requests that the Commission accept its Reply in Support of its Petition for Reconsideration, filed in these dockets on July 8, 1998, as procedurally proper.

Respectfully Submitted,

MCI TELECOMMUNICATIONS CORPORATION

By: _____

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Its Attorneys

Dated: July 9, 1998

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| Amended |) | |

ORDER

Adopted:

Released:

By the Chief, Enforcement Division:

1. On July 9, 1998, MCI Telecommunications Corporation (MCI) filed a Petition for Waiver of Page Limitation, requesting that it be permitted to file a single Reply to other parties' oppositions to its Petition for Reconsideration of the Second Report and Order in these dockets (Order)¹ exceeding the page limitation set forth in Section 1.429(g) of the Commission's Rules applicable to replies to oppositions to petitions for reconsideration.

2. Having reviewed MCI's Petition, any oppositions

¹ Second Report and Order and Further Notice of Proposed Rulemaking, FCC 98-27 (released Feb. 26, 1998).

thereto, the other parties' petitions for reconsideration of the Order and other parties' oppositions to MCI's Petition for Reconsideration, the Commission now

ORDERS that MCI's Petition for Waiver be granted and that MCI be permitted to file a single Reply to other parties' oppositions to its Petition for Reconsideration of the Order exceeding the page limitation of 10 pages set forth in Section 1.429(g) of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION

Dorothy Attwood
Chief, Enforcement Division
Common Carrier Bureau

CERTIFICATE OF SERVICE

I, Sylvia Chukwuocha, do hereby certify that a true copy of the foregoing Petition For Waiver of Page Limitation was served this 9th day of July, 1998 by hand delivery or first class mail, postage prepaid, upon each of the following parties:

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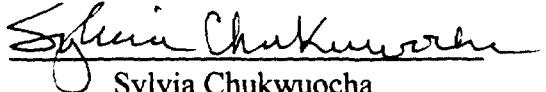
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